IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Shunichi SEKIGUCHI et al.

Allowed: December 17, 2008

Application No.: 10/501,897

Confirmation No.: 8551

Filed: July 20, 2004

Art Unit: 2621

For: VIDEO DATA CONVERTER AND
      VIDEO DATA CONVERTING METHOD

Examiner: A. S. Rao

COMMENTS ON STATEMENT OF REASONS
FOR ALLOWANCE UNDER 37 CFR §1.104(E)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

Applicants have received the Examiner's Statement of Reasons for Allowance issued on December 17, 2008 in connection with the above-identified application. In response, Applicants offer the following comments.

Comments

The Examiner, in the Reasons for Allowance, offers a generic statement as to why the claims of the present invention are allowable over the prior art of record. Although Applicants agree that the prior art does not disclose or teach the features listed by the Examiner, Applicants wish to emphasize that it is the claims as a whole, including the various interrelationships and interconnections between the various claimed elements, which are not taught or suggested by the prior art. Further, Applicants submit that each claim should be considered separately as a whole as being allowable over the prior art of record.

Birch, Stewart, Kolasch & Birch, LLP

MKM/JWR/mmi

For example, the Examiner has provided the same reasons for allowance for independent claims 1 and 8, asserting that they include:

> "...the motion vector being selected in the [sic] according to a prediction error estimation value that estimates a prediction efficiency when using each of the motion vector candidates and according to a motion vector rate estimation value that estimates a motion vector rate when using each of the motion vector candidates...."

However, Applicants point out that the actual language of independent claim 8 does not require the motion vector to be selected according to **both** the prediction error estimation value and the motion vector rate estimation value. Instead, independent claim 8 actually recites, "the motion vector being selected according to **at least one of:** a prediction error estimation value..., and a motion vector rate estimation value." Thus, Applicants submit that claim 8 should not be limited by limitations which are mentioned by the Examiner, but not present in the claim.

In conclusion, Applicants respectfully emphasize that each claim should be considered separately as a whole, taking into consideration the various interrelationships and interconnections between the various claim elements, and should be interpreted on its specific claim language and other appropriate parameters.

Dated: January 23, 2009

Respectfully submitted,
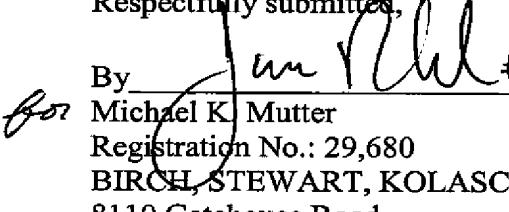
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